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C O N F I D E N T I A L SECTION 01 OF 02 BUENOS AIRES 002712

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STATE FOR WHA/BSC, WHA/PPC, EB/IFD/OMA, S/CT
NSC FOR TOM SHANNON AND MIKE DEMPSEY
FBI FOR CTD/IRAN-HIZBOLLAH UNIT FOR SSA

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SUBJECT: AMIA TRIAL UPDATE

REF: BUENOS AIRES 2540

Classified By: AMBASSADOR LINO GUTIERREZ FOR REASONS 1.4(B) AND (D)

11. (C) SUMMARY: Recused trial judge Juan Jose Galeano tendered his resignation September 13 to the President in the face of the ongoing investigation into the alleged irregularities committed in his investigation of the 1994 terrorist bombing of the Jewish Community Center (AMIA). President Kirchner has apparently decided to take no action for the moment on the resignation, allowing the Council of Magistrates' investigation of Galeano to continue. In another interesting twist, Federal Judge Claudio Bonadio, who is also looking into the AMIA investigation irregularities, is now himself under the microscope as another federal court this week called into question his impartiality, asking the executive branch to report on Bonadio's political responsibilities/linkages to the former Menem administration and Carlos Corach in particular, the former Minister of Interior under Menem. Corach confidant Mario Baizan (please protect), described to PolOff the recent three-judge panel decision (Ref. A) to acquit the 22 Argentine defendants (the "local connection") of all charges related to the 1994 attack, and to investigate Galeano, Corach and others, as a political decision orchestrated by the Kirchner administration. The Kirchner administration did send a clear message of support for the recent judicial decision when Justice Minister Rosatti paid a visit September 10 to the Council of Magistrates and praised the courage of the three-judge panel, particularly its call for an investigation into Galeano's and others' actions. Embassy has no indications that the court's September 2 acquittal and call for investigations was, in any way, influenced or orchestrated by the Kirchner Administration. Undoubtedly, the Kirchner Administration sees any investigation or turn of events that could cast aspersions on Menem and his government's actions/inactions in the AMIA issue as a bonus. END SUMMARY.

12. (C) On September 13, Judge Juan Jose Galeano, the original judge in the investigation and trial of the 1994 terrorist bombing of the AMIA Jewish Community Center, tendered his resignation to President Nestor Kirchner. Galeano's resignation would have terminated the ongoing investigation of the Council of Magistrates into his conduct of the investigation and trial. It also would close off the opportunity for Galeano to defend his actions and, perhaps, to divulge possibly embarrassing information about any number of past and current political figures. Interestingly, President Kirchner has decided to take no action on the resignation (he has neither accepted nor refused it) allowing the Council's investigation to move ahead.

13. (C) In a meeting with PolOff September 15, Mario Baizan (please protect), a close confidant of former Menem Interior Minister Carlos Corach (who is implicated in the AMIA investigation irregularities), described the September 2 acquittal and call for investigations of Galeano, Corach and others as a political attack aimed at placing the blame for the failed investigation on former Menem-era officials. As support for his contention, Baizan said that the narrative of the three-judge panel in its September 2 verdict almost exactly mirrored the scenario laid out publicly some time ago by First Lady and Senator Cristina Fernandez de Kirchner (i.e. that the Menem administration had purposefully hindered the investigation, covered up several interesting international leads -- including to Syria -- and sought to find convenient local scapegoats). Baizan, who is well positioned to comment on the history of the attack and subsequent investigation (he served as a liaison under Corach in the Interior Ministry with Argentine, Israeli and U.S. law enforcement and intelligence services), stated that this verdict, and what he sees as the Kirchner Administration's political manipulation of the investigation, will hinder eventual efforts to bring the authors of the crime to justice.

14. (C) Baizan explained that the court's decision discredits all the evidence that Judge Galeano had uncovered in his investigation. Baizan also alerted PolOff that Judge Claudio Bonadio, already looking into Galeano's investigation irregularities, was himself going to be investigated because

of alleged conflicts of interests from his time working under Corach in the Interior Ministry's Legal and Technical Secretariat at the beginning of the Menem Administration.

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Removing Bonadio, Baizan said, would stall those investigations, further hindering an ultimate resolution of that aspect of the case. (Note: The day after PolOff's meeting with Baizan, the press reported that the First Federal Court had requested the administration provide a report on Bonadio's activities during the Menem Administration.)

15. (C) Comment: The court's September 2 acquittal of the Argentine defendants, and its calls for an investigation into the original judge's and Menem-era officials' actions, has muddied the waters and given renewed life to old and new conspiracy theories. Kirchner is walking a fine line. While Kirchner and the GOA have clearly shown they are anxious to move the AMIA investigation forward (e.g. by releasing classified documents and making intelligence personnel available for testimony), the opportunity to focus attention on the alleged mishandling/cover-up of the initial investigation by the Menem Government is irresistible. Fortunately for Kirchner, this aspect of the continuing AMIA saga has a life of its own and will require little encouragement from the government. What will be more important for his administration in the long run is how the government now facilitates and promotes the efforts to identify and prosecute the still-at-large authors and agents of the terrorist attack. The Jewish community and groups representing the victims' families are pressuring the government to renew its efforts to try to bring the suspected Hizbollah and Iranian culprits to justice. The three-judge panel that issued the September 2 acquittal ruling does not release its detailed ruling until October 29. At that time, it will become clearer what sort of evidence exists against Galeano, Corach and others, and how much of the evidence and testimony collected by Galeano can be used in the continuing case. Our discussions with Judge Galeano, former prosecutors, and SIDE, (the intelligence service), as well as a review of the AMIA indictment, indicate that the investigation was based mostly on circumstantial evidence that required further extensive corroboration and that the investigators failed to exhaust local and international leads. We believe it is very unlikely that, 10 years later, whatever leads remain will yield useful evidence.

GUTIERREZ